



*hfb*

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

ELI LILLY AND COMPANY

By Hinda M. Dunbar

Date September 7, 2004

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Sung Y. Cho, et al.	)	
		)	
Serial No.:	10/668,565	)	
		)	Group Art Unit:
Filed:	September 23, 2003	)	1624
		)	
For:	PIPERIDINYL AND PIPERAZINYL	)	Examiner:
	TACHYKININ RECEPTOR ANTAGONISTS	)	R. Raymond
		)	
Docket No.:	X-8849D	)	

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Identification of Person Making This Disclaimer**

I, Manisha A. Desai, am employed by Eli Lilly and Company, and I am an attorney of record in the above-identified patent application. In that capacity, I am authorized to sign this disclaimer on behalf of Eli Lilly and Company.

**Identity of Assignee**

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, Indiana 46285

**Recordal of Assignment in PTO**

The assignment was recorded on October 17, 1996, Reel 8189, Frame 0642.

09/14/2004 JAD001 00000040 050840 10668565  
01 FC:1814 110.00 DA

Serial No. 10,668,565

**Extent of Interest**

The extent of Eli Lilly and Company's interest is in the whole of this invention.

**Disclaimer**

I hereby disclaim the terminal part of any patent granted on this application, which would extend beyond the expiration date of:

United States Patent No. 6,727,255, and hereby agree that any patent granted on this application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to United States Patent No. 6,727,255.

I do not disclaim any terminal part of any patent granted on this application prior to the expiration date of the full statutory term of United States Patent No. 6,727,255 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term other than as presently shortened by any terminal disclaimer.

**Fee Payment**

Please charge \$110.00, the fee set forth in 37 C.F.R. 1.20(d), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840 in the name of Eli Lilly and Company. Two copies of this disclaimer are enclosed.

ELI LILLY AND COMPANY

By: Manisha A. Desai  
Manisha A. Desai  
Registration No. 43,585  
Telephone: (317) 433-5333

7 September 2004



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

ELI LILLY AND COMPANY

By

Linda M. Dunbar

Date

September 7, 2004

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Sung Y. Cho, et al.	)	
		)	
Serial No.:	10/668,565	)	
		)	
Filed:	September 23, 2003	)	Group Art Unit:
		)	1624
		)	
For:	PIPERIDINYL AND PIPERAZINYL	)	Examiner:
	TACHYKININ RECEPTOR ANTAGONISTS	)	R. Raymond
		)	
Docket No.:	X-8849D	)	

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action, dated 06/08/2004, for which a response is due 09/08/2004, Applicants submit the present reply.

Claims 7-9, 28-30, 39, 49-51, 58, 59, 61, 62, 64, and 65 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of parent U.S. Patent 6,727,255. Claims 20, 21, 36, and 57 are objected to as being dependent on a rejected base claim.

As the Examiner has noted, Applicants have previously submitted a terminal disclaimer limiting the term of this application to that of U.S. 5,530,009. In the interest of advancing prosecution in this case, Applicants submit herewith a terminal disclaimer limiting the term of this application to that of U.S. Patent 6,727,255.

Serial No. 10/668,565

Thus, Applicants respectfully request that the Examiner reconsider the rejection and earnestly solicit allowance of pending claims 7-9, 20, 21, 28-30, 36, 39, 49-51, 57-59, 61, 62, 64, and 65.

Applicants respectfully assert that this reply is being timely filed. However, in the event that any additional fees are due, Applicants request the Office to charge any additional fees that may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840, in the name of Eli Lilly and Company.

Respectfully submitted,



Manisha A. Desai  
Attorney for Applicants  
Registration No. 43,585  
Telephone: (317) 433-5333

Eli Lilly and Company  
Patent Division/MAD  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

7 September 2004